

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:
BLADIMIR DIAZ

CHAPTER 13
CASE NO. 18-40032-MAR
JUDGE MARK A RANDON

Debtor
_____/

**TRUSTEE'S MOTION TO DISMISS DUE TO DEBTOR'S FAILURE TO ATTEND § 341 FIRST
MEETING OF CREDITORS**

NOW COMES the Chapter 13 Trustee, Krispen S. Carroll, and moves this Honorable Court for dismissal of the above-captioned matter pursuant to 11 U.S.C. §1307 (c) and E.D. Mich. LBR 2003-1, and in support thereof states as follows:

1. This motion is brought pursuant to 11 U.S.C. §1307 (c) and E.D. Mich. LBR 2003-1.
2. That the Debtor failed to attend the § 341 First Meeting of Creditors.
3. That pursuant to E.D. Mich. LBR 2003-1 an announcement of the Trustee's intent to file a motion to dismiss was made at the meeting of creditors.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court dismiss the above captioned matter due to the Debtor's failure to attend the § 341 First Meeting of Creditors.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
Krispen S. Carroll, Chapter 13 Standing Trustee

February 22, 2018

/s/ KRISPEN S. CARROLL

KRISPEN S. CARROLL (P49817)
MARGARET CONTI SCHMIDT (P42945)
MARIA GOTSIS (P67107)
719 Griswold Street, Suite 1100
Detroit, MI 48226
(313) 962-5035
notice@det13ksc.com

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:
BLADIMIR DIAZ

CHAPTER 13
CASE NO. 18-40032-MAR
JUDGE MARK A RANDON

Debtor _____ /

**ORDER DISMISSING CASE DUE TO DEBTOR'S FAILURE TO ATTEND
§ 341 FIRST MEETING OF CREDITORS**

This matter having come to be heard upon the Trustee's Motion to Dismiss Due to Debtor's Failure to Attend § 341 First Meeting of Creditors filed pursuant to 11 U.S.C. §1307 (c) and E.D. Mich. LBR 2003-1, the Motion having been duly served on Debtor's counsel and the last know address of the Debtor and the requisite time having passed without objection having been timely served, a Certificate of No Response having been filed and the relief requested in the Motion being warranted, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the above-captioned matter shall be and is hereby dismissed due the the Debtor's failure to attend the § 341 First Meeting of Creditors;

IT IS FURTHER ORDERED that the Clerk of the Court shall immediately provide notice of the entry of this order to all creditors listed in this case, the Debtor, Debtor's attorney, if any, and the Trustee;

IT IS FURTHER ORDERED that Krispen S. Carroll, Trustee, is discharged as Trustee and the Trustee and her surety is released from any and all liability on account of the within proceeding;

U.S. BANKRUPTCY JUDGE
EXHIBIT "A"

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In re
BLADIMIR DIAZ

CHAPTER 13
CASE NO. 18-40032-MAR
JUDGE MARK A RANDON

Debtor

Address

35451 TOWNLEY DR
STERLING HEIGHTS, MI
48312

Last four digits of Social Security or Individual Tax-payer Identification
(ITIN) No(s), (if any): 5172

Employer's Tax Identification (EIN) No(s), (if any): _____

NOTICE OF TRUSTEE'S MOTION TO DISMISS

The Chapter 13 Trustee has filed papers with the court to dismiss the above-captioned case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the court to dismiss the above-captioned case or if you want the court to consider your views on the Trustee's motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at (1):

**United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

All attorneys are required to file pleadings electronically.

You must also send a copy to:

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

ATTN: MOTION DEPARTMENT

719 Griswold Street, Suite 1100

Detroit, MI 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT

Krispen S. Carroll, Chapter 13 Standing Trustee

February 22, 2018

/s/ KRISPEN S. CARROLL

KRISPEN S. CARROLL (P49817)

MARGARET CONTI SCHMIDT (P42945)

MARIA GOTSIS (P67107)

719 Griswold Street, Suite 1100

Detroit, MI 48226

(313) 962-5035

notice@det13ksc.com

¹ Response or answer must comply with F.R.Civ.P.8(b), (c) and (e)

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Debtor _____/

CERTIFICATE OF ORAL NOTICE TO CREDITOR'S OF TRUSTEE'S INTENT TO SEEK DISMISSAL

The undersigned certifies that pursuant to E.D. Mich. LBR 2003-1, the Trustee and/or her authorized representative provided oral notice to Creditors of her intent to seek dismissal at the time of the scheduled § 341 First Meeting of Creditors and advised that a creditor opposing the motion or seeking a hearing must file and serve an objection on the Trustee within 14 days after the motion is filed

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
Krispen S. Carroll, Chapter 13 Standing Trustee

February 22, 2018

/s/ KRISPEN S. CARROLL

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JUDGE MARK A RANDON

Debtor

_____ /

CERTIFICATE OF MAILING

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S**

MOTION TO DISMISS DUE TO DEBTOR'S FAILURE TO ATTEND § 341 FIRST MEETING OF

CREDITORS, NOTICE OF TRUSTEE'S MOTION TO DISMISS, ORAL NOTICE and CERTIFICATE

OF MAILING with the Clerk of the Court using the ECF system which will send notification of such

filing to the following:

FREGO AND ASSOCIATES
23843 JOY ROAD
DEARBORN HEIGHTS, MI 48127

and I hereby certify that I have mailed by United States Postal Service the above mentioned

documents to the following non-ECF participants:

Bladimir Diaz
35451 Townley Dr
Sterling Heights, MI 48312

February 22, 2018

/s/ Shannon Horton

SHANNON HORTON

For the Office of the Chapter 13 Trustee-Detroit

719 Griswold Street, Suite 1100

Detroit, MI 48226

(313) 962-5035

notice@det13ksc.com